

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Gilberto Pagan

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MUR 4530

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Gilberto Pagan ("Respondent") violated 2 U.S.C. §441e(a).

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the subject matter of this proceeding and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. §437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission, without waiving any objections he has to the FEC's or any U.S. Court's jurisdiction over him, except to the extent necessary to enforce any compliance with this Agreement.

IV. The pertinent facts in this matter are as follows:

I. Gilberto Pagan is a resident and citizen of the Dominican Republic.

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2. Foreign nationals are prohibited from contributing money or anything of value to a candidate for political office, including federal, state or local office, either directly or through any other person. 2 U.S.C. §441e(a) and 11 C.F.R. §110.4(a).

3. A foreign national is an individual who is not a citizen of the United States and is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title 8. 2 U.S.C. §441e(b).

4. Gilberto Pagan is a foreign national as defined by 2 U.S.C. §441e(b).

5. Gilberto Pagan made a \$5,000 contribution to the Democratic National Committee ("DNC") on February 23, 1996. Mr. Pagan made the \$5,000 contribution in order to attend a fundraising luncheon held in a private home in Miami, Florida because he simply wanted to hear Vice President Gore speak. Mr. Pagan does not know at whose residence the event was held, nor does he have any information regarding the planning of the event.

6. Mr. Pagan was instructed to print his name, home address, and permanent address in the Dominican Republic on his check. Mr. Pagan believes that a DNC representative at the event received a faxed copy of his check prior to the event. Mr. Pagan does not know the name of the DNC representative.

7. Mr. Pagan's check in the amount of \$5,000 was drawn from his personal funds held at the Royal Bank of Canada. Mr. Pagan made no effort to conceal the fact that he was a foreign national. He was simply not aware, and was never informed, that he was prohibited from making a contribution to the DNC.

8. In early 1997, a DNC representative contacted Mr. Pagan and inquired if he was a U.S. citizen. Mr. Pagan informed the DNC representative that he was not a U.S. citizen or a permanent resident.

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V. Respondent made a contribution in the amount of \$5,000, in violation of
2 U.S.C. §441e(a).

VI. Respondent will pay a civil penalty to the Federal Election Commission in the
amount of One Thousand Two Hundred Fifty Dollars (\$1,250), pursuant to 2 U.S.C.
§437g(a)(5)(A).

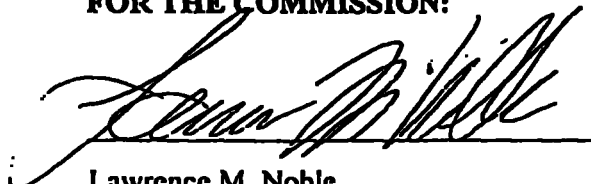
VII. The Commission, on request of anyone filing a complaint under 2 U.S.C.
§437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance
with this agreement.

VIII. This agreement shall become effective as of the date that all parties hereto have
executed same and the Commission has approved the entire agreement.

IX. Respondent shall have no more than 30 days from the date this agreement becomes
effective to comply with and implement the requirements contained in this agreement and to so
notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on
the matters raised herein, and no other statement, promise, or agreement, either written or oral,
made by either party or by agents of either party, that is not contained in this written agreement
shall be enforceable.

FOR THE COMMISSION:


Lawrence M. Noble
General Counsel

7/22/99
Date

FOR THE RESPONDENT:


Lyn Utrecht
Attorney for Gilberto Pagan

7/15/98
Date

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